

AMENDED IN SENATE MAY 19, 2014
AMENDED IN SENATE APRIL 10, 2014
AMENDED IN SENATE MARCH 28, 2014

SENATE BILL

No. 1061

Introduced by Senator Block

February 18, 2014

An act to ~~amend Sections 105, 300.5, 2026, 2033, 2102, 2119, 2137, 2141, 2142, 2151, 2152, 2156, 2165, 2166, 2166.5, 2166.7, 2167, 2180, 2181, 2183, 2187, 2189, 2190, 2194, 2200, 2202, 2203, 2204, 2205, 2206, 2212, 2221, 3006, 3007.5, 3009, 3011, 3013, 3019, 3021, 3501, 8002.5, 8081, 9094, 12108, 14310, 16442, 16462, 17000, and 17001 of, and to add Sections 2101.5, 2101.6, and 2155.1 to, add Section 2102.5 to the Elections Code, to amend Sections 6254.4, 23365, 23374.13, and 57051 of the Government Code, and to amend Section 12950.5 of, and to add Section 12500.5 to, Article 6 (commencing with Section 13050) to Chapter 1 of Division 6 of, the Vehicle Code, and to amend Section 60211 of the Water Code,~~ relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1061, as amended, Block. Elections: voter registration.

Existing law, the federal National Voter Registration Act of 1993, requires a state to establish procedures to register a person to vote by application made simultaneously with an application for a motor vehicle driver's license, by mail application, and by application in person at a registration site or designated voter registration agency. With respect to an application made simultaneously with an application for a motor vehicle driver's license, the federal act requires the motor vehicle driver's license application to serve as an application for voter

registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant's previous voter registration, if any. The federal act defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority.

Under existing *state law*, a person qualified to vote may only register to vote by completing an affidavit of registration. *Existing state law establishes procedures for a person to register to vote by mail or by application in person at a registration site or office of a designated voter registration agency. Existing state law also requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles on or before the 15th day before the election.*

~~This bill would provide that all persons not already registered to vote who are qualified to be registered to vote and who complete an application for a new or renewed California driver's license, instruction permit, junior permit, or identification card with the Department of Motor Vehicles shall be registered to vote if the person provides written consent to be registered to vote, as specified. If the person named on the application would not be 18 years of age at the time of the next election but otherwise satisfies the requirements to be registered to vote, he or she would be automatically registered to vote at the time that he or she will be 18 years of age by the time of the next election if the person provides written consent to be registered to vote on the application, as specified. The bill would require the Department of Motor Vehicles to send an electronic copy of each of these documents, with any information that is not required to register to vote redacted, to the elections official of the county in which the person named on the document resides, unless the person has not filled out the application in its entirety, declines to be registered to vote, or has indicated on the application that he or she is already registered to vote. The bill would require the Department of Motor Vehicles to keep the information collected confidential, unless the law requires otherwise. The bill would require the elections official to maintain these documents for voters who qualify to be registered to vote under the bill in a manner identical to which the affidavits of registration are maintained.~~

Under existing law, affidavits of registration are used to verify the residence of a voter, to verify the signature of a voter, and to verify the

~~political affiliation of a voter. Existing law requires a county elections official to maintain the affidavits of registration for voters within the county, to maintain a voter registration index based upon the valid affidavits of registration for voters within the county, to keep voter information listed on the affidavit of registration confidential in certain circumstances, and to cancel the affidavits of registration for persons who are no longer qualified to vote. Existing law permits a county elections official to duplicate uncanceled affidavits of registration for the voters in the county and to store the information contained in the affidavits of registration by way of data processing equipment. Existing law requires the county elections official to maintain canceled affidavits of voter registration, as prescribed.~~

~~This bill would require that the completed applications of the Department of Motor Vehicles that cause a voter to become registered to vote be used for verification purposes in the same manner as affidavits of registration. The bill would also require that the completed applications of the Department of Motor Vehicles be maintained in the same manner as affidavits of registration, be included in the preparation of the voter index, be kept confidential in certain circumstances in the same manner as affidavits of registration, and be canceled in the same manner as affidavits of registration. The bill would permit a county elections official to duplicate completed applications of the Department of Motor Vehicles that cause voters to become registered to vote and to store the information contained in the applications by way of data processing equipment. The bill would require the county elections official to maintain canceled applications and forms that cause voters to be registered to vote.~~

This bill would require an application for a new or renewed California driver's license, instruction permit, junior permit, or identification card to contain an affidavit of registration and other specified information. The bill would require the Department of Motor Vehicles to confer with the Secretary of State and develop applications that are in compliance with these provisions and the federal National Voter Registration Act of 1993. The bill would permit a person to apply to register to vote by completing the affidavit of registration portion of the application and require the Department of Motor Vehicles to transmit an electronic copy of the completed application to county elections officials, as specified. The bill would make its provisions operative on the date the Department of Motor Vehicles certifies to the Secretary of State that it has an automated application process, as specified.

Because the bill would require elections officials to provide a higher level of service, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2102.5 is added to the Elections Code,*
2 *to read:*

3 2102.5. (a) A person may apply to register to vote by
4 completing the affidavit of registration portion of an application
5 for a new or renewed California driver's license, instruction
6 permit, junior permit, or identification card, as described in Section
7 13050 of the Vehicle Code. Except as otherwise provided in this
8 section and Section 13050 of the Vehicle Code, the affidavit of
9 registration portion of the application shall be treated in all
10 respects under this code as an affidavit of registration, as described
11 in Section 2150.

12 (b) If a person who does not satisfy the requirements to be
13 registered to vote is registered to vote pursuant to subdivision (a),
14 he or she shall not suffer any legal penalty or loss of any benefit
15 to which he or she may otherwise be entitled unless he or she
16 intended to fraudulently register to vote.

17 (c) An application that is completed pursuant to subdivision
18 (a), by a person who is currently registered to vote but failed to
19 indicate that fact on the application, shall be construed as updating
20 the person's previous voter registration.

21 SEC. 2. Article 6 (commencing with Section 13050) is added
22 to Chapter 1 of Division 6 of the Vehicle Code, to read:

Article 6. Voter Registration

13050. (a) *In addition to any other requirements set forth in this division, an application for a new or renewed California driver's license, instruction permit, junior permit, or identification card shall do all of the following:*

(1) *Contain a method by which the applicant shall indicate whether he or she is registered to vote.*

(2) *Contain an affidavit of registration, as described in Section 2150 of the Elections Code.*

(3) *Contain a statement that, if the applicant satisfies the requirements to be entitled to register to vote pursuant to Section 2101 of the Elections Code, and provides written consent by signing the affidavit of registration portion of the application, he or she shall be registered to vote.*

(4) *Comply with the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).*

(b) *The affidavit of registration portion of the application described in subdivision (a) shall not require an applicant to duplicate any information provided in any other portion of the application, except that a second signature may be required in the affidavit of registration portion of the application.*

(c) *Except where a duty imposed by law requires otherwise, in implementing this section, the Department of Motor Vehicles shall comply with applicable federal and state law relating to privacy and confidentiality of the information collected, shall collect only the information necessary to implement this section, and shall not share the information collected pursuant to this section with another agency or person except for a purpose directly related to voter registration.*

(d) *The Department of Motor Vehicles shall confer with the Secretary of State and shall develop applications for a new or renewed California driver's license, instruction permit, junior permit, and identification card that are in compliance with this section and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.). The Department of Motor Vehicles shall obtain the approval of the Secretary of State for an application developed pursuant to this section.*

13051. (a) (1) *The Department of Motor Vehicles shall transmit to the county elections official for the county in which the*

1 *applicant resides an electronic copy of the completed application*
2 *for a new or renewed California driver's license, instruction*
3 *permit, junior permit, or identification card of the applicant,*
4 *excluding any information that is not required to register to voter,*
5 *if the applicant has completed the affidavit of registration portion*
6 *of the application pursuant to 2102.5 of the Elections Code.*

7 *(2) The Department of Motor Vehicles shall transmit the*
8 *electronic copy of the completed application, excluding any*
9 *information that is not required to register to vote, no later than*
10 *10 days after the department receives the application. However,*
11 *if the application is received within five days before the last day*
12 *to register to vote in an election, the application shall be*
13 *transmitted no later than five days after the date the application*
14 *is received by the department.*

15 *(b) The Department of Motor Vehicles and the Secretary of*
16 *State shall develop a process and the infrastructure to allow the*
17 *electronic copy of the applicant's completed application for a new*
18 *or renewed California driver's license, instruction permit, junior*
19 *permit, or identification card of the applicant, excluding any*
20 *information that is not required to register to vote, to be transmitted*
21 *to the county elections officials.*

22 *SEC. 3. Section 12950.5 of the Vehicle Code is amended to*
23 *read:*

24 *12950.5. (a) The department shall require a digitized-signatures*
25 *signature on each ~~driver's license~~. California driver's license and*
26 *on each application for a new or renewed California driver's*
27 *license, instruction permit, junior permit, or identification card.*
28 *A digitized signature is an electronic representation of a*
29 *handwritten signature.*

30 *(b) The department shall provide to the Secretary of State the*
31 *digitized signature of ~~every~~ a person who ~~registers~~ applies to*
32 *register to vote on the voter registration card provided by the*
33 *~~department~~. department or who completes the affidavit of*
34 *registration portion of an application for a new or renewed*
35 *California driver's license, instruction permit, junior permit, or*
36 *identification card.*

37 *(c) The department shall provide the Secretary of State with*
38 *change-of-address information for ~~every~~ a voter who indicates*
39 *that he or she desires to have his or her address changed for voter*
40 *registration purposes.*

1 *SEC. 4. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 *SEC. 5. This act shall become operative on the date the*
7 *Department of Motor Vehicles certifies to the Secretary of State*
8 *that the department has an automated application process for a*
9 *new or renewed California driver's license, instruction permit,*
10 *junior permit, and identification card that allows the department*
11 *to transmit voter registration information electronically to county*
12 *elections officials.*

13
14
15 **All matter omitted in this version of the bill**
16 **appears in the bill as amended in the**
17 **Senate April 10, 2014. (JR11)**
18